

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE KROGER CO.,

Plaintiff,

Civil Action No. C-1-02-439

vs.

MALEASE FOODS CORP., f/k/a  
Malease Foods Corp.,

Defendant.

Beckwith, J.  
Perelman, M.J.

**ORDER**

This matter is before the Court on the parties joint stipulation to extend the discovery deadline. (Doc. 39). S.D.Ohio Civ. R. 6.1 allows stipulated extensions of time to plead a complaint, amended complaint, counterclaim, or comparable pleading. However, Rule 6.1 “does not permit stipulated extensions of time to respond to Motions, Court Orders, or other deadlines. All extensions other than those permitted by this Rule must be upon motion.” S.D.Ohio Civ. R. 6.1 (b). In the interests of judicial economy, the parties stipulation will be construed as a motion to extend the discovery deadline. The parties motion to extend the discovery deadline is therefore **GRANTED**, and the discovery deadline is extended until February 27, 2004.

All other dates, including the March 1, 2004, dispositive motion deadline, remain in effect. (*See* docs. 20, 23).

**IT IS THEREFORE ORDERED THAT:**

1. The parties stipulation to extend the discovery deadline is construed as a motion for an extension of time and **GRANTED**;
2. The discovery deadline has been extended until February 27, 2004; and
3. All other deadlines set forth in Doc. 23 remain unchanged.

**IT IS SO ORDERED.**

**DATE: January 21, 2004**

s/ David S. Perelman  
David S. Perelman  
United States Magistrate Judge